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THE MONTEVIDEO CONFERENCE

and the Latin American Policy of the United States

by

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with the aid of the Research Staff of the Foreign Policy Association

PROBLEMS BEFORE THE MONTEVIDEO CONFERENCE

ON November 11, 1933 the American delegation sailed for the Seventh Pan-American Conference. This conference will be held in Montevideo, Uruguay, beginning December 3. Headed by Secretary of State Cordell Hull, the delegation includes: Alexander S. Weddell, Ambassador to Argentina; J. Butler Wright, Minister to Uruguay; J. Reuben Clark, former Ambassador to Mexico; Dr. Sophonisba Breckenridge; and Spruille Braden. Dr. Ernest Gruening, one of the editors of *The Nation*, is general adviser to the delegation. The purpose of this report is to analyze the major issues which will arise at Montevideo and trace the history of the idea of Pan-Americanism in relation to the Latin American policy of the United States.

Although the agenda of the Montevideo conference contains thirty-two items, it is probable that attention will center on the organization of peace, the principle of intervention, an inter-American non-aggression pact, and economic and financial questions.

THE ORGANIZATION OF PEACE

Despite the peace machinery established at the Washington arbitration and conciliation conference of 1929,¹ two "wars" have recently been fought in the Western Hemisphere and, in the case of the dispute between Bolivia and Paraguay, hostilities are still being waged. Neither the efforts of a Commission of Neutrals presided over by the United States, of the ABC-Peru group (Argentina, Brazil, Chile and Peru), nor the League Council have succeeded in establishing peace in the Chaco.² On July 3, 1933, however, the League Council decided, with the consent of the parties, that a commission should be sent to the Chaco to negotiate agreements for arbitration and cessation of

hostilities and to conduct, if necessary, a full inquiry into the dispute.³

On July 19 the personnel of this commission was announced as follows: General A. B. Robertson of Great Britain, J. Alvarez Del Vayo, Spanish Ambassador in Mexico, General Fagalde of France, Count Aldrovandi of Italy, and Major Rivera Flandes of Mexico.⁴ After a further effort at mediation by the ABC-Peru powers, the League commission finally set sail from Europe and arrived at Montevideo on November 3, 1933. If this commission does not succeed in restoring peace in the Chaco by the time the Montevideo conference convenes, that gathering will be confronted with the problem of offering its assistance to the commission and bringing concerted pressure on the two parties.⁵ On the invitation of the Uruguayan government, the League of Nations is sending Sr. Jacobo Nogueira as representative at the Montevideo conference.^{5a} This action should facilitate cooperation between the League and the Pan American Union.

It is probable that the Montevideo conference may attempt to strengthen existing American peace machinery. With this end in view, the executive committee of the American Institute of International Law has prepared a project for an inter-American conciliation commission of fifteen members, to be elected by each Pan-American conference. The president, vice president, and the three members who obtain the largest number of votes at the election shall constitute the permanent delegation of the commission. This permanent delegation shall fulfill the same functions of investigation and concilia-

3. League of Nations, *Official Journal*, September 1933, p. 1072-79.

4. *Ibid.*, p. 1087. General Freydenberg of France was later substituted for General Fagalde.

5. On October 30 Bolivia informed the League that it would ignore the commission as long as its powers, particularly in regard to the determination of an arbitral zone, were not exactly defined. On November 5 its refusal to name an assessor to the commission was made known. Cf. *La Prensa* (New York), October 31, November 6, 1933.

5a. On November 17 Sr. Enrique Buero, secretary general of the conference, announced that Sr. Nogueira would come to Montevideo but would not attend the conference. Sr. Nogueira is one of Uruguay's permanent representatives on the League Secretariat. *New York Times*, November 18, 1933.

1. Cf. William T. Stone, "The Pan-American Arbitration Treaty," *Foreign Policy Association Information Service*, November 13, 1929; also *Proceedings of the International Conference of American States on Conciliation and Arbitration* (Washington, Government Printing Office, 1929).

2. For details, cf. John C. deWilde, "South American Conflicts," *Foreign Policy Reports*, May 24, 1933.

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tion attributed to the commissions instituted by the Gondra convention of 1923 and the Washington convention of 1929.⁶ Should the delegation, which may initiate proceedings at the request of any one of its members, fail to obtain agreement between the parties within six months, the full commission may meet and make a further effort at conciliation. Should its efforts fail, the commission must draw up a report which may ask that the dispute be submitted to an arbitral tribunal having the power to decide the question *ex aequo et bono*. This report shall be binding on the interested parties.

Supporters of this proposal believe that its adoption would provide the Western Hemisphere, for the first time in its history, with a permanent organ safeguarding peace, and that it would also establish a complete system for the pacific settlement of all disputes, closing the "gaps" in the Covenant and the anti-war pact after the manner proposed by the General Act for the Pacific Settlement of International Disputes drawn up at Geneva in 1928.⁷

Critics declare that this plan for a permanent conciliation commission is defective because it does not provide for permanent commission headquarters, establish a secretariat, or authorize a budget. It is contended that without these administrative features the permanent conciliation commission will be as perfunctory as the commissions set up under the Bryan peace commission treaties of 1914. It is urged, moreover, that since conciliation is a political rather than a judicial function, it can be exercised effectively only by responsible statesmen through the instrumentality of a permanent international organization. According to these critics, no panel of fifteen names elected every five years by Pan-American conferences can fulfill the function of conciliation as adequately as a political body such as the Council of the League of Nations or a reorganized Pan American Union.⁸ In his annual message of September 1, 1933, President Abelardo L. Rodríguez of Mexico proposed that steps be taken toward the formation of an American League of Nations by establishing an inter-American court of justice and an inter-American labor office.⁹

Other critics believe that the League of Nations has been more successful than any American agency in the conciliation of the Leticia and Chaco disputes, and that con-

sequently peace in the Western Hemisphere can be best assured by developing the collaboration of American states with the League system.

The Montevideo conference may discuss whether existing peace machinery should be strengthened by adopting some plan for sanctions against a state illegally resorting to force. In the case of the Chaco dispute, nineteen American states declared on August 3, 1932 that no territorial arrangement should be recognized which had not been obtained by peaceful means. The anti-war pact, initiated in 1932 by Argentina and signed on October 10, 1933 at Rio de Janeiro by six American states, repeated the substance of this declaration. It also stated that in case any party failed to comply with its obligations,¹⁰ the other states "shall adopt a common and solidary attitude; they shall exercise the political, juridical or economic means authorized by International Law; they shall bring the influence of public opinion to bear; but in no case shall they resort to intervention, either diplomatic or armed. The attitude they may have to take under other collective treaties of which said States are signatories is excluded from the foregoing provisions."

THE QUESTION OF INTERVENTION

At the Sixth Pan-American Conference at Havana in 1928, the adoption of a proposal prohibiting intervention in the internal affairs of other states was warmly debated in connection with a discussion of a project for the codification of public international law. The only decision reached was that the question should be postponed until the Montevideo conference.¹¹ A solution of this question at Montevideo has been facilitated by the unprecedented restraint recently shown by President Roosevelt in connection with the crisis in Cuba. Latin American opinion, however, continues to differ markedly from that of North America concerning the principle of intervention.

There are three general views as to intervention.

(1) *The non-intervention view*, held by many Latin American governments and jurists. Since all states are equal and independent, no great power has the right to land forces on the territory of any other state. Great powers frequently experience internal revolutions which incidentally may

6. Cf. *Preliminary Project on the creation of an International American Commission of Conciliation*, submitted by the Executive Committee of the American Institute of International Law pursuant to a Resolution of the Governing Board of the Pan American Union (Washington, D. C., Pan American Union, 1933).

7. For the text of this Act, cf. Max Habicht, *Post-War Treaties for the Pacific Settlement of International Disputes* (Cambridge, Harvard University Press, 1931), p. 936-53.

8. Cf. Committee on Latin American Policy of the World Peace Foundation and the Foreign Policy Association, *Recommendations as to the Pan-American Conference at Montevideo*, Foreign Policy Committee Reports No. 1, November 1933.

9. *New York Herald Tribune*, September 2, 1933.

10. The principal obligation assumed by the parties in this pact is defined in Article I: "The High Contracting Parties solemnly declare that they condemn wars of aggression in their mutual relations, and that the settlement of disputes and controversies shall be effected only through the pacific means established by International Law." Cf. Argentine Republic, *Draft of an Anti-War Treaty* (Washington, D. C., September 1932). In a note of March 3, 1933 the United States declined to sign this project on the ground that it did not go as far as the anti-war pact in renouncing war, and needlessly encumbered the peace structure of the world.

11. Cf. "The Sixth Pan-American Conference, Part I," Foreign Policy Association *Information Service*, April 27, 1928, p. 63-72.

injure the interests of foreigners; the same right of revolution, unhindered by outside interference, should be enjoyed by small states. Aliens residing in the territory of any state should accept the same risks as nationals of that state.¹²

(2) *The principle of unilateral intervention.* In the past a number of great powers have claimed the right to intervene at their discretion in weak countries, at least for the purpose of protecting their nationals from direct injury by local violence. In defense of this practice, it is claimed that states have certain international obligations, fulfillment of which other states may forcibly require. The United States has from time to time claimed the right of unilateral intervention in Latin America, to prevent European powers from gaining a foothold in this hemisphere in violation of the Monroe Doctrine. The fact that the Roosevelt administration has refrained from intervening in Cuba does not mean, according to many Latin Americans, that the United States has agreed to surrender this alleged right.

(3) *Internationally controlled intervention.* Recognizing that the doctrine of intervention may be abused if it is not subject to international control, many contend that intervention in the internal affairs of independent states should take place only under the authority of international organization. The League Council unsuccessfully attempted to impose this principle of internationally controlled intervention on Japan during its dispute with China over Manchuria.¹⁴

The same principle is embodied in a project presented to the Montevideo conference by the Executive Committee of the American Institute of International Law, as follows:

"The conservation of order within States and the guaranty of the rights of man are essential conditions of international juridical life. In the cases laid down by general or regional treaties of organization, the [international] community shall be able to intervene, by means of organs enjoying international authorization, for the purpose of insuring the existence, in the territory of any member State, of the minimum degree of order necessary in order that the international rights of States and of individuals may be effective."¹⁵

A number of Latin American statesmen oppose the principle of internationally controlled intervention as strongly as that of unilateral intervention. They contend that acceptance of the former principle might sanction acts of interference which at present are invalid under international law. For

example, the proposal of the Executive Committee of the American Institute of International Law would seem to make revolution illegal if such revolution disturbed a "minimum degree of order." Other critics, while admitting that the principle of internationally controlled intervention is sound in theory, contend that it cannot be applied, owing to the absence of any real organization of American states.

In view of this wide difference of opinion, some observers believe that the Montevideo conference will be no more successful than the Havana conference in attempting to codify the law of intervention. They consequently believe that the debate on this subject should be dropped. Others declare that this is impossible in view of the action taken at Havana.¹⁶

AN INTER-AMERICAN NON-AGGRESSION PACT

The answer to the intervention question may be found in the adoption at Montevideo of an inter-American agreement embodying President Roosevelt's proposal of May 16, 1933, to the effect that each state should agree not to send its troops across the frontiers of another state except in accordance with treaties.¹⁷ The acceptance by the United States of an agreement embodying the President's proposal would commit the Washington government to a policy of non-intervention, except when the contrary policy is authorized under existing treaties, such as that of May 22, 1903 with Cuba, and of November 18, 1903 with Panama. Some critics believe, however, that it will prove impossible for the United States to accept any agreement providing for non-intervention which does not recognize its right to land forces in disturbed areas for the direct protection of American or other foreign lives; nor is it believed that the United States would accept an agreement which would prohibit it from acting against a European power which seized or attempted to seize territory on the Western Hemisphere in violation of the Monroe Doctrine. In addition, it is generally contended that no inter-American non-aggression agreement should prevent the American states from applying sanctions against a state which illegally resorts to force.

ECONOMIC AND FINANCIAL QUESTIONS

Although the agenda of the conference includes economic and financial questions, the prospect for agreement on these subjects was dimmed by the announcement of Presi-

12. Cf. League of Nations, *Official Journal*, declaration of M. González-Prada, December 1931, p. 2382. *Ibid.*, July 1931, p. 1119, 1122; March 1932, p. 527.

14. Cf. R. L. Buell, "The Weakness of Peace Machinery," *Foreign Policy Reports*, September 14, 1932, p. 165.

15. Cf. Art. XIV, *Project of Declaration on Rights and Duties of States submitted by the Executive Committee of the American Institute of International Law pursuant to a Resolution of the Governing Board of the Pan American Union* (Washington, D. C., 1933).

16. Cf. p. 219.

17. This proviso, "subject to existing treaties," was added by Mr. Norman Davis in his statement to the Disarmament Conference of May 22, 1933. When advancing this proposal, President Roosevelt indicated his willingness to forego the practice of armed intervention in the countries of the Caribbean and elsewhere. Cf. *New York Herald Tribune*, May 17, 1933.

dent Roosevelt on November 9. This announcement declared that in view of temporary emergency policies, the United States could not enter upon immediate discussion of "such matters as currency stabilization, uniform import prohibitions, permanent customs duties and the like." The statement urged, however, that action be taken on the question of inter-American communications by air, highway, water and rail. As a first step, the Roosevelt administration offered to recommend to Congress that the United States bear the cost of survey for the proposed Pan-American Highway, stretching from the Texas border to Santiago, Chile. The statement also asked that air-line beacons be constructed so that the present flying time between Miami and Buenos Aires might be reduced from seven to about two days.

This effort to revive the proposed Pan-American Highway was criticized in certain circles on the ground that such a highway was uneconomic inasmuch as it would pass largely through unproductive territory. It was declared that the real need of the Latin American countries is for roads or railways connecting the interior with seaports. Fear was also expressed that some Latin Americans might misinterpret the President's statement that the construction of this highway would call for the consumption of 43,000,000 barrels of cement, or one-third of the present output of the United States. A project for inter-American transportation, it is declared, should do more than serve as an outlet for United States exports.

Finally, some observers believe that the exclusion of tariff and currency questions from the conference seriously limits the pos-

sibility of success. It is pointed out that while the United States has made numerous professions about developing inter-American trade, Great Britain has actually concluded a commercial agreement with a leading Latin American country—Argentina. In the treaty of May 1933, Great Britain agreed, subject to certain conditions, not to impose any restrictions on the quantity of chilled beef hitherto imported from Argentina. In return, Argentina agreed that the full amount of exchange arising from the sale of Argentine products in Great Britain should be applied to the purchase of British goods, after deducting a reasonable sum for the payment of Argentina's external debt. Moreover, in order that British exporters might immediately receive "frozen" exchange due them in Argentina, the Argentine government agreed to float a twenty-year bond issue, presumably in England.²⁰ Finally, the two governments agreed to effect tariff reductions—a purpose accomplished in a supplementary agreement of September 26, 1933.²¹

Dr. Puig Casauranc, Foreign Minister of Mexico, has stated he will bring up the question of Latin American debts at the Montevideo conference.²² At present about \$1,012,760,000 of the foreign debt of South American countries, amounting to \$1,456,560,000, is in default.²³ In this field, also, many observers believe that the Montevideo conference will be able merely to lay down certain principles leaving actual decisions to separate negotiations.

Having reviewed the more important issues which will arise at Montevideo, it may be interesting to study the work accomplished at previous Pan-American conferences.

THE HISTORY OF PAN-AMERICANISM

Ideas of Pan-American cooperation are as old as the birth of the Latin American republics. A feeling of unity among these latter states, based on race, language and similar cultural and political heritage, was enhanced by the fear that Spain—possibly with the aid of the Holy Alliance—would attempt to regain its American colonies; it was natural that these colonies should attempt to base their security on political cooperation. Proposals were made for a congress of American states to meet at Panama in 1826.

While the United States Senate finally accepted an invitation to be represented at the 1826 congress, the United States delegates

failed to participate and the congress was attended by representatives of only four countries—Colombia, Peru, Mexico and Central America. Plans for a Pan-American confederation, to function through periodical congresses, failed to meet with the approval of the various governments, and the congress achieved no concrete results.²⁴

Despite this initial failure, during the next fifty years a number of congresses were called to form an alliance between the Latin American republics for defense against foreign invasion and the peaceful settlement of inter-American disputes. To some of these congresses the United States was not invited; others to which it was invited, it did not attend. All these congresses aimed at closer political ties between the American countries;

20. For text of this agreement, cf. Great Britain, *Convention between the Government of the United Kingdom and the Government of the Argentine Republic*, Argentina No. 1 (1933) (London, H. M. Stationery Office, 1933), Cmd. 4310, May 1, 1933.

21. *New York Times*, September 28, 1933.

22. *Ibid.*, October 19, 1933; cf. also *La Prensa* (New York), September 29, 1933.

23. Estimate of Max Winkler, *Letter No. 13*, July 7, 1933, American Council of Foreign Bondholders (New York).

24. For a discussion of this conference and the development of Pan-Americanism, cf. "Pan-Americanism and the Pan-American Conferences," Foreign Policy Association *Information Service*, November 27, 1927.

proposals for non-political agreements were rare. A trend toward non-political conferences appeared, however, in the final quarter of the nineteenth century. In 1877 a congress of jurists representing nine Spanish-American countries assembled at Lima to discuss the unification of private international law. A similar conference was held in Montevideo in 1888, and sanitary conferences met in 1877 and 1878.

THE PAN-AMERICAN CONFERENCES

In 1881 James G. Blaine, Secretary of State of the United States, inspired by the desire to improve this country's trade with South America and to foster peace between the nations of the American continent, extended an invitation "to all the independent countries of North and South America" to participate in a general congress to be held in Washington in November 1882 "for the purpose of considering and discussing the methods of preventing war between the nations of America."

Mr. Blaine hoped that before November 1882, the date set for the conference, the War of the Pacific would be terminated; but Chile and Peru continued hostilities and, with a change in administration in the United States in 1881, the invitations were withdrawn.

In 1888 a bill authorizing the holding of a Pan-American conference passed both houses of Congress and received the approval of President Cleveland. An invitation was extended to "the several Governments of the Republics of Mexico, Central and South America, Haiti, San Domingo, and the Empire of Brazil" to meet in Washington in 1889; and the agenda suggested by the United States included "measures that shall tend to preserve and promote the prosperity of the several American States"; the formation of an American customs union; steamship communications; establishment of uniform customs regulations, weights and measures, laws to protect patent rights, copyrights and trade-marks; a uniform law on extradition; the adoption of a common silver coin; "an agreement upon and recommendation for adoption to their respective Governments of a definite plan of arbitration of all questions, disputes, and differences that may now or hereafter exist between them . . ."; and provided for the inclusion of additional items suggested by other countries. The invitation called attention particularly to the fact that the conference was to be "consultative and recommendatory only."

Since most of the items in the agenda dealt with commercial or economic matters, it was natural that the conference should devote most of its time to these matters. A long and bitter discussion was aroused by the question whether the customs union proposed by the

United States should be a *zollverein*, welding the American nations into a single customs territory, or whether the proposal simply called for free trade and reciprocity among the American nations.

Several of the Latin American delegates were also extremely sensitive to any attempts—fancied or real—of members of the United States delegation to dominate the proceedings. Playing a rôle which has become traditional, Argentina frankly contested Washington's leadership. Saenz Peña, an Argentine delegate, opposed Blaine's slogan of "America for the Americans" with the broader slogan—"Let America be for mankind."²⁵

The formulation of a draft treaty of arbitration, which appeared on the agenda as only one item among many, was regarded by a number of delegates as the most important matter before the conference. An arbitration treaty was consequently drafted and signed by eleven of the nations represented at the conference, including the United States. It provided that arbitration should be obligatory in all controversies concerning diplomatic and consular privileges, boundaries, territories, indemnities, the rights of navigation and the validity, interpretation and enforcement of treaties; and in all other cases arbitration should be equally obligatory except where, in the judgment of any one of the nations involved in the controversy, the question involved its independence. The treaty applied to pending questions as well as to those subsequently arising. Arbitrators were to be chosen *ad hoc* for each dispute. The treaty was not ratified by the governments which participated in the conference. A supplementary resolution recommended that the governments represented at the conference agree that the principle of conquest should not be recognized as admissible under American public law as long as the proposed arbitration treaty remained in force. This resolution was adopted by fifteen votes, Chile abstaining.

Few practical results were attained by the first Pan-American conference. Of the nineteen recommendations adopted, some were merely innocuous gestures. The most concrete achievement was the establishment at Washington of the Commercial Bureau of the American Republics, an organization which was later to become the Pan American Union.

In his annual message of December 5, 1898, President McKinley suggested that a second Pan-American conference be held and, on the invitation of the Mexican government, the conference met in Mexico City in 1901. All the countries which had been represented at the first conference, as well as the Dominican

25. Joseph B. Lockey, *Pan-Americanism* (New York, Macmillan, 1920); cf. also "James Gillespie Blaine," *American Secretaries of State and Their Diplomacy* (S. F. Bemis, ed., New York, Knopf, 1927-1929, 10 vols.), Vol. VIII, p. 174.

Republic, sent delegates on this occasion. In his instructions to the United States delegates, President Roosevelt urged them not to assume leadership of the conference, either in its organization or discussions. "With respect to political differences subsisting between the States of Central and South America," he added, "the general principle should be to enter as little as possible into these questions."²⁶

At the second Pan-American conference the same types of questions were considered as at the first. One result of this conference was a protocol in which the American republics recognized as a part of "Public International American Law" the principles of the First Hague Conference for the pacific settlement of international disputes. A number of the Latin American states signed a treaty on compulsory arbitration and the representatives of seventeen countries, including the United States, signed a treaty for the arbitration of pecuniary claims. A resolution was also adopted providing for the meeting of the next Pan-American conference within a period of five years.

The Third Pan-American Conference met at Rio de Janeiro in 1906. The treaty for the arbitration of pecuniary claims was continued in force for a period of five years and a resolution was passed recommending the consideration at the Second Hague Conference of a general arbitration convention. A number of resolutions, such as those recommending adherence to certain sanitary regulations and the improvement of commercial relations, were also passed at the Third Pan-American Conference.

At the Fourth Pan-American Conference, which met at Buenos Aires in 1910, the spirit of harmony which apparently prevailed seemed noteworthy enough to be chronicled in the report of the American delegation. The agenda had been more carefully prepared than at preceding conferences, and the delegates were able to work rapidly and efficiently. One significant development was examination of the reports of the delegations concerning the action of their respective governments on the conventions and resolutions of the third conference. Conventions relating to patents, trade-marks and copyrights were prepared and the convention on the use of arbitration in the collection of pecuniary claims was re-drafted and extended for an indefinite number of years.

Significant Developments between 1910 and 1923

The governing board of the Pan American Union called the Fifth Pan-American Con-

ference to meet at Santiago, Chile, in 1914. Owing to the World War, however, the conference did not meet until 1923. During the period which elapsed between the fourth and fifth conferences, Latin America became increasingly critical of the Caribbean policy of the United States.²⁷ Writer after writer in Latin America warned his countrymen against the menace of the north.

Several factors during this period, however, aided the program of Pan-Americanism. When the United States accepted the mediation of the ABC powers—Argentina, Brazil and Chile—in its dispute with Mexico and joined these four countries in a meeting at Niagara, profound satisfaction was expressed in Latin America. Comment in the press of both North and South America was almost unanimously favorable, and the other members of the Pan American Union applauded and supported the idea of joint mediation.

A similar attempt at "practical Pan-Americanism" was made in 1915 when President Wilson asked the delegates of the ABC powers and of three representative smaller nations to meet and discuss once more the Mexican question. Here were the first examples of the Latin-American conception of Pan-Americanism which had always emphasized American political cooperation.

The most important influence on Pan-Americanism between the fourth and fifth conferences was the World War, which threw the lot of Latin America in with that of the United States—the country which, until it entered the war, was the principal champion of neutral rights. The entry of the United States into the war heightened the esteem in which it was held in Latin America. These countries felt that the United States, which they had always regarded as essentially materialistic, was entering the war "in accordance with high principles and idealistic motives." The idea of Pan-Americanism was never so strong in Latin America as between 1914 and 1918. During this period the idea of a Pan-American league of neutrals was proposed.²⁸

An inevitable reaction occurred with the passing of the war period. The first payment by the United States to Colombia in the Panama affair in 1922 did not offset the feeling that, in retiring from Europe and in refusing to join the League of Nations, the United States had betrayed its trust. A number of Latin Americans entered the League in the hope that it would protect the territorial integrity of the Western Hemisphere against the United States as well as other great powers. The League offered the Latin American

26. International Conference of American States, *Second Report of the United States Delegates*, p. 32. For the texts of the acts of the first six Pan-American conferences, cf. James Brown Scott, *The International Conferences of American States, 1889-1928* (New York, Oxford University Press, 1931).

27. Cf. p. 217-18.

28. Ecuador to the United States, February 19, 1917. *Foreign Relations, 1917*, Supplement 1, p. 233.

states a forum in which they might air their grievances against their northern neighbor.

The Fifth International Conference of the American States finally met at Santiago in 1923. Influenced by the establishment of the League, its program contained a number of complicated political problems, such as disarmament, proposals for an American League, and possible consideration of the Monroe Doctrine. Perhaps the most important achievement of the conference was the Gondra convention for the pacific settlement of disputes signed by sixteen states, Costa Rica and Salvador abstaining. This treaty provides for the creation of a commission of inquiry in case of a dispute between any American nations. The commission has a year in which to render its report and during this period, and a subsequent period of six months after submission of the report, the parties are under obligation not to resort to war or even the mobilization or concentration of troops.

It was originally proposed that, if the parties to the dispute could reach no agreement after the report of the commission of inquiry, the dispute should be submitted to arbitration, provided it did not affect the sovereignty, honor, vital interests or constitutional provisions of the parties to the dispute or the interests of third parties. The states, however, were unable to agree on an arbitration clause, and it was consequently omitted.

PROPOSED REORGANIZATION OF PAN AMERICAN UNION

A second important question related to the reorganization of the Pan American Union. This agency had its origin in the Commercial Bureau of the American Republics which was established by the First Pan American Conference in 1889.²⁹ It was to be supported by all the American nations in proportion to their population. Its functions were to compile and publish, in English, Portuguese and Spanish, information on the commerce, customs tariffs, production and laws of the various American countries. At the Second Pan-American Conference in Mexico in 1902 the functions of the Bureau were enlarged, and its administration transferred from the United States Secretary of State to a governing board composed of the "Secretary of State of the United States of America, who shall be its chairman, and the diplomatic representatives of all the Governments repre-

sented in the bureau and accredited to the Government of the United States of America." At Rio de Janeiro in 1906 the third conference further modified the organization and functions of the Bureau by raising it from the status of a mere commercial bureau to that of an organ of cooperation as well as that of a permanent committee to serve in preparing the programs and reports for future Pan-American conferences.

In 1910 the Fourth Pan-American Conference changed the name of the Bureau to "Pan American Union," and gave it the additional function of compiling and publishing information on the legislation of the various American republics. A temporary break in diplomatic relations between Bolivia and Argentina—where the fourth conference was held—caused the absence of Bolivia from the conference, and raised the question of the effect of recognition on membership in the conference. No official records of the proceedings in committee were kept at the fourth conference, but the question of recognition apparently led to a consideration of the fact that, when the United States government did not recognize any Latin American country, that country could have no representative on the governing board of the Pan American Union.

This situation was modified by the adoption of a provision that "any Republic having no representative accredited before the Government of the United States of America may designate a member of the Governing Board to represent it in the Union of American Republics and in this case said representative will have a vote for each representation." It was also decided to continue provisionally the organization of the Pan American Union on the basis of conference resolutions rather than on a conventional basis, and the matter of reorganization of the Union was placed on the agenda of the fifth conference.

At the 1923 conference a number of Latin American delegates attacked the predominance of the United States in the Pan American Union. It was pointed out that the seat of the Union was in Washington; that membership on the governing board was confined to diplomatic representatives accredited to only one of the twenty-one governments—the United States; that the United States was represented by the Secretary of State who thus outranked diplomatically all the other members; that the presidency of the governing board was vested permanently in the American Secretary of State. Moreover, the director of the Union had always been a North American, and the largest part of its literature had been published in English.³⁰

29. The Pan American Union is the institution which serves as the permanent organ of the International Union of American Republics constituted by the twenty-one American republics. The Pan American Union is neither the International Union of American Republics nor is it to be confused with the Pan-American conferences which meet from time to time. Its position toward the former is that of a permanent secretariat serving the twenty-one republics in their organized capacity. The governing board of the Pan American Union acts as a permanent council, while the Pan-American conferences constitute periodical assemblies. The headquarters of the Union are in Washington, in the building erected through the generosity of Mr. Andrew Carnegie.

30. Cf. Samuel Guy Inman, *Problems in Pan Americanism* (New York, Doran, 1925), p. 349. The United States government contributes about 57 per cent of the budget of the Pan American Union, and the printing office of the American government publishes much of the literature.

As a partial corrective for this situation, the Chilean delegate proposed the creation of permanent committees on economic relations, labor, hygiene, and intellectual cooperation to assist the Pan American Union in its work.

The real struggle, however, arose in committee over the proposal of the Costa Rican delegation that the representatives of the American governments should be accredited directly to the Pan American Union instead of being, as heretofore, diplomatic representatives accredited to the government of the United States. The proposal, in effect, was to take away from the United States the privilege of deciding through its recognition policy what states should belong to the governing board of the Union. The question was particularly pertinent because of the absence from the fifth conference of Mexico,³¹ whose government had not been recognized by the United States. The purpose of this proposal was to give the Union a more independent status. Some delegates, moreover, looked with favor on the establishment of an American League of Nations. A project to this effect had been advanced by President Brum of Uruguay, but for some reason the Uruguayan delegate did not press the question at the conference.³²

LATIN AMERICAN POLICY OF THE UNITED STATES

According to the above-mentioned critics, the greatest obstacle to Pan-American cooperation was the Latin American policy of the United States. This policy was based on the Monroe Doctrine, the meaning of which radically changed during the century following its promulgation in 1823. Before Cleveland's ultimatum to Great Britain in the Venezuela boundary dispute of 1896, the doctrine was regarded merely as an instrument for defense of the United States. Under this doctrine the United States claimed the right to prevent acts of European aggression on the American continents, but did not claim the right to control the acts of Latin American states.

Following a series of developments culminating in the Spanish-American War and President Theodore Roosevelt's famous corollary announced in 1904, the Monroe Doctrine took on a new meaning. The United States declared that it was not enough to keep Europe out of Latin America; it was also necessary for the United States to protect European interests in this hemisphere. Under the Roosevelt corollary the United States virtually undertook to become constable for the Western

The only concrete action of the Santiago conference relative to the Pan American Union was a resolution stating that the American governments enjoyed representation in the Union as "of right," and that if any republic did not have a diplomatic representative accredited to the United States, it could appoint a special representative on the governing board.³³

Although Secretary of State Kellogg praised the conference of Santiago as a "great success," sentiment in many countries had become frankly hostile to Pan-Americanism. Critics pointed out that these conferences studiously avoided "political" questions, confining action to the passage of resolutions of an economic, commercial and humanitarian nature. The reason for the limited scope of Pan-Americanism, in their opinion, was the unwillingness of the United States to accept any international restrictions on its freedom of action in political matters. This attitude, which implied that the United States had certain rights of suzerainty in the Western Hemisphere, was incompatible with the basic principles of Pan-Americanism and international cooperation laid down by Bolivar, the great South American liberator, and Alberdi, the distinguished Argentinian.³⁴

Hemisphere, at least for those countries in the vicinity of the Panama Canal.

In accordance with this new theory, the United States virtually imposed the Platt Amendment on Cuba.³⁵ It assisted in bringing the Republic of Panama into existence in 1903; in return, Panama concluded a treaty with the United States giving this country wide powers of intervention in Panama and authorizing it to construct an Americanized and militarized canal.³⁶ In order to protect this canal and establish American supremacy in the Caribbean, President Roosevelt in 1905 established a customs receivership in the Dominican Republic which is still in existence.

To bring order also to Central America the United States, with the assistance of Mexico, convened a Central American conference at Washington in 1907. Making use a few years later of the treaties concluded at this conference, President Taft and Secretary of State Knox assisted in driving out of power the nationalist dictator of Nicaragua, José Zelaya; and President Wilson strengthened the hold of the United States over that country through the Bryan-Chamorro treaty of 1914.³⁷

President Wilson in his famous circular of March 1913 laid down the doctrine of "con-

31. Peru and Bolivia were also absent from the fifth conference.

32. Baltasar Brum, *The Peace of America* (Montevideo, 1923).

33. The unrecognized Martinez government of Salvador, which came into office in 1931, was thus entitled to representation.

34. Alberdi wrote a book, *El crimen de la guerra*, in 1889 which was one of the first to propose the outlawry of war and a League of Nations. Cf. Camilo Barcia Trelles, *Doctrina de Monroe y cooperación internacional* (Madrid, 1931), p. 522.

35. Raymond L. Buell, "Cuba and the Platt Amendment," *Foreign Policy Association Information Service*, April 17, 1929.

36. *Idem*, "Panama and the United States," *Foreign Policy Reports*, January 20, 1932.

37. Cf. "The United States and the Nicaragua Canal," *Foreign Policy Association Information Service*, May 25, 1928.

stitutionalism," expressing opposition to all revolutions in Latin America. His efforts to apply such doctrines brought about the bombardment of Vera Cruz in 1914 and the Pershing expedition into Mexico two years later. In 1915-1916 the United States also carried out military occupations in Haiti and the Dominican Republic, the effect of which was to place both countries under the rule of the American navy. All of these developments were, in the eyes of Latin America, inconsistent with the principles of Pan-Americanism. On the contrary, they foreshadowed the exclusive dominion of the United States in this hemisphere.

FEAR OF THE AMERICAN "COLOSSUS"

At the close of the World War a number of prominent Americans gave warning that, because of the Monroe Doctrine, the United States would not consent to the intervention of the League of Nations in the Western Hemisphere. The fear of Latin Americans was increased in 1921 when Secretary of State Hughes sent a battleship and 400 marines to Panama for the purpose of forcing it to turn over certain territory to Costa Rica, following an arbitral award which Panama had protested as invalid. Thus apprehension concerning the "American Colossus" grew in Latin America. Although the evacuation of the Dominican Republic in 1924 somewhat improved relations between the United States and the rest of the Americas, tension was again created in 1926, when Washington sent 5,000 marines and bluejackets to suppress a civil war in Nicaragua and virtually elevated Adolfo Díaz to the Presidency.³⁸

THE HAVANA CONFERENCE

Apparently to forestall attacks against its interventions, the United States sent an exceptionally strong delegation to the Sixth Pan-American Conference, held at Havana in January-February 1928. President Coolidge also attended the opening session of the conference. The gathering was perhaps the most notable in the history of Pan-Americanism not only because of its achievements in the realm of international law codification, but because of the vigorous debate which took place over the question of intervention.

The first important political question which the Havana conference discussed related to the Pan American Union. The government of Mexico advanced five suggestions, the general purpose of which was to reduce the influence of the United States over this Union and to make it generally more democratic.³⁹ Thus it proposed that the position of the chairman of the governing board and the

Director General rotate annually among the various American states,⁴⁰ and that the Pan American Union be prohibited from exercising any political functions. It also asked that the Director General should not accept any offices from the government of any country other than those of a purely educational nature—a suggestion aimed at the fact that Dr. Rowe, the Director General of the Union, was also a delegate of the United States government at the conference. Although the proposal to rotate the leading offices in the Union was defeated, the conference agreed that the Union should not exercise any political functions. To avoid the necessity of appointing the Director General a member of the American delegation to the Pan-American conferences, it was agreed that he should attend such conferences in an advisory capacity at the expense of the Union.

The Argentine delegate also proposed that the Pan American Union oppose excessive tariff barriers; the effort to insert a declaration to this effect in the preamble of the proposed convention on the Pan American Union was defeated, partly because of opposition from the United States. In February 1928 the delegates signed a convention on the Pan American Union,⁴¹ aimed at giving a treaty basis to this institution for the first time in its history. This convention continued the Union substantially on its existing basis, but expressly declared that it should exercise no political functions. It was provided, however, that the convention should enter into effect only after unanimous ratification by the American states, and by June 1933 only eleven states had ratified.⁴²

A second important question which arose at Havana related to the principle of intervention. One of the projects relating to the codification of public international law, entitled "States: Existence—Equality—Recognition," contained a provision that "no state may intervene in the internal affairs of another." In a vigorous discussion, the representatives of thirteen states made strong declarations in favor of this principle. It was opposed with equal warmth by Charles Evans Hughes, head of the American delegation. In an address of February 18 he declared:

"From time to time there arises a situation most deplorable and regrettable in which sovereignty is not at work, in which for a time in certain areas there is no government at all . . . What are we to do when government breaks down and American citizens are in danger of their lives? Are we to stand by and see them killed because a government in circumstances which it

38. Raymond L. Buell, "Reconstruction in Nicaragua," Foreign Policy Association Information Service, November 12, 1930.

39. "The Sixth Pan-American Conference, Part I," Foreign Policy Association Information Service, April 27, 1928, p. 62.

40. The chairman of the board has always been the Secretary of State of the United States, and the Director has always been an American. The present Director, Dr. Leo S. Rowe, succeeded Mr. John Barrett in 1920.

41. For the text, cf. "The Sixth Pan-American Conference," cited, p. 81.

42. Report on the Activities of the Pan American Union 1928-1933 (Washington, Pan American Union, 1933), p. 21.

cannot control and for which it may not be responsible can no longer afford reasonable protection? Now it is the principle of international law that in such a case a government is fully justified in taking action—I would call it interposition of a temporary character—for the purpose of protecting the lives and property of its nationals . . ."⁴³

Following this speech, a motion was passed postponing the consideration of this project until the Montevideo conference.

Although the conference failed to act on the intervention question, it passed on February 18, 1928 a resolution declaring that "all aggression . . . is declared prohibited" and that the American states would "employ all pacific means to settle conflicts . . ." The conference also adopted a resolution providing that a conference on conciliation and arbitration should meet at Washington within one year.

In the non-political field the conference adopted a convention on commercial aviation and revised the 1910 copyright agreement. It also adopted eight conventions codifying various branches of international law, such as those relating to the status of foreigners, treaties, diplomatic officers, consular agents, neutrality, asylum, and rights and duties of states in case of civil war.⁴⁴

THE HOOVER POLICY

Although, according to some observers, the vigorous disagreement over intervention at the Havana conference further weakened Pan-Americanism, a number of events occurred after 1928 which seemed to lessen the friction between the United States and its southern neighbors. In the first place, a number of concrete disputes between the United States and Latin American states were liquidated. Following the supervision of elections in Nicaragua in 1928 and 1932, the United States withdrew all its marines from that country in January 1933, thus terminating an intervention which, except for a short period after 1925, had lasted continuously since 1912.⁴⁵ Moreover, in two agreements concluded in 1931 and 1933, the United States surrendered its administrative control over the Haitian government, except with regard to finance, and agreed to withdraw its marines from that country by November 1934.⁴⁶ Secretary Stimson also reversed the "constitutional" doctrines of President Wilson by promptly recognizing the revolutionary governments which arose in South America, Panama and the Carib-

bean. The only exception to this rule was in Central America, where the United States was committed to a non-recognition policy by virtue of the Central American treaty of 1923.

Another indication of a new attitude came when the United States acquiesced in the action of the Dominican government in suspending sinking-fund payments on its foreign debt, despite the fact that such action violated a treaty of 1923. Finally, the State Department declined to exercise its right to establish a customs receivership in Salvador when that government went into default in February 1932. In general, the United States made no move to intervene for the collection of defaulted debts in numerous Latin American countries. Furthermore, the United States attempted to remove the fear that it claimed the right to dictate peace in the Western Hemisphere by agreeing to the establishment of Pan-American peace machinery, and by acquiescing in the intervention of the League in American disputes.

THE 1929 ARBITRATION CONFERENCE

In 1928-1929 a Pan-American arbitration conference was held at Washington, at which compulsory arbitration and conciliation treaties were signed covering every type of dispute. The conciliation treaty supplemented the Gondra conciliation convention of 1923. The Gondra treaty had provided for submission of all controversies not otherwise peacefully settled to a commission for investigation and report, with the exception of disputes involving constitutional questions of states which have no general treaties of arbitration and questions already settled by other treaties. The three senior diplomatic officers accredited by American states to Washington and Montevideo were designated as members of two permanent committees, whose sole function was to aid in organizing commissions of inquiry whenever requested by one or more parties to the treaty. Each party would then appoint two members to the commission, and the four members thus chosen would then select a president from a neutral state.

According to the delegates at the Washington conference, the greatest weakness of the Gondra treaty was that the two diplomatic committees were not given power to use their good offices in conciliating a dispute between states whose relations had become so strained that the establishment of the commission of inquiry might be impossible. In order to remedy this defect, the convention adopted on January 5, 1929 at Washington provided that the diplomatic committees at Washington and Montevideo should be "bound to exercise conciliatory functions, either on their own motion when it appears that there is a prospect of dis-

43. Cf. "The Sixth Pan-American Conference," cited, p. 71.

44. For a discussion, cf. "The Sixth Pan-American Conference, Part II," *Foreign Policy Association Information Service*, July 6, 1928.

45. Raymond L. Buell, "American Supervision of Elections in Nicaragua," *Foreign Policy Association Information Service*, December 24, 1930; cf. also Charles A. Thomson, "The Caribbean Situation: Nicaragua and Salvador," *Foreign Policy Reports*, August 30, 1933.

46. Raymond L. Buell, "The Caribbean Situation: Cuba and Haiti," *Foreign Policy Reports*, June 21, 1933; also, "Intervention in the Caribbean?" *Foreign Policy Bulletin*, August 11, 1933.

turbance of peaceful relations, or at the request of a party to the dispute," until the *ad hoc* commission is established.⁴⁷ The 1929 conciliation convention provided for the conciliation of all disputes without reservation. It allowed the investigating bodies one year in which to make their investigation, while it granted the parties an additional six months to pass on the bases of settlement. If no settlement was arrived at by the end of this period, the parties recovered their freedom of action.

The Washington conference also concluded a convention providing for compulsory arbitration of juridical questions, including interpretation of a treaty, any question of international law, the existence of any fact which, if established, would constitute a breach of an international obligation, or the nature and extent of the reparation to be made for breach of an international obligation. The category of disputes which must be arbitrated in this convention is the same as that contained in the Optional Clause of the Statute of the Permanent Court of International Justice. In contrast to this clause which gives the Court power to decide whether a given dispute falls within the category of controversies which must be arbitrated, the inter-American arbitration convention apparently leaves the decision of this important question to each state. The Senate approved the arbitration treaty on January 19, 1932, subject to the reservation among others that the treaty shall not be applicable to disputes arising out of previously negotiated treaties, thereby excluding disputes which might arise out of the various treaties by which the United States now controls numerous governments in the Caribbean.⁴⁸ Apparently because it believed this reservation nullified the obligatory arbitration provisions of the agreement, the State Department has not proceeded to ratify the arbitration treaty. Moreover, during the last year the United States cooperated with the League of Nations, securing a provisional settlement of the dispute between Peru and Colombia over Leticia,⁴⁹ and thus removing the fear that it would oppose the functioning of the League in the Western Hemisphere.

Finally the United States attempted to re-interpret the Monroe Doctrine. In the spring of 1930 the State Department published a memorandum, written by J. Reuben Clark when Under-Secretary of State, which rejected the Roosevelt corollary of the Doctrine

under which the United States had claimed the right to police the Caribbean.⁵⁰ The memorandum, which was not officially endorsed by the Hoover administration, declared that intervention might be justified by the necessities for self-defense. Latin American governments, therefore, continued to have misgivings about the Monroe Doctrine and the interventionist policy of the United States. Both Mexico and Argentina, on joining the League of Nations in 1931 and 1933, made reservations declining to recognize the Monroe Doctrine under Article XXI of the Covenant. Nevertheless, it seemed clear that the Hoover administration was moving in the direction of non-intervention or internationally controlled intervention. That these developments did not bring a greater improvement in inter-American relations was due in part to unwise loans made by American bankers to Latin American dictators; to the failure of the United States to correct the excesses of the Machado régime in Cuba, where the United States had certain responsibilities under the Platt Amendment; and to the tariff policy of the United States, which aroused widespread complaints especially in its treatment of Argentine products and Cuban sugar.

THE "NEW DEAL"

The Roosevelt administration, which took office in March 1933, gave evidence of its desire to improve Latin American relations by adopting a policy of non-intervention toward two revolutions which occurred in Cuba in the summer of 1933, by declining to approve a sugar allotment plan, drawn up largely by United States producers, which would have fixed Cuban sugar exports to the United States at above half the annual average of such exports between 1927 and 1931; and by opening reciprocity negotiations not only with Cuba, but with Colombia, Brazil and Argentina. No agreement with any of these countries, however, has yet been concluded.⁵¹ Apparently the test of the willingness of the administration to cement inter-American relations depends on whether it is able to formulate a program of foreign trade which will be compatible with the principles of its domestic recovery program. While many observers agree that the Roosevelt administration cannot consistently bring about sweeping tariff reduction at this time, they do believe it is possible for it to work out reciprocity agreements embodying the principles of rationalized foreign trade and international planning.⁵²

47. Stone, "The Pan-American Arbitration Treaty," cited.

48. U. S. Department of State, *Treaty Information Bulletin* No. 28, January 31, 1932. Pending international questions or controversies arising relative to acts prior to the date on which the treaty should go into effect were also excepted. The Senate reserved the right to veto the arbitral agreement or compromise in each case.

49. DeWilde, "South American Conflicts," cited.

50. U. S. Department of State, *Memorandum on the Monroe Doctrine*, 1930.

51. Cf. *Foreign Policy Bulletin*, *passim*; also John C. deWilde, "Sugar: An International Problem," *Foreign Policy Reports*, September 27, 1933.

52. Cf. Raymond L. Buell, "The World Adrift," *World Affairs Pamphlets*, October 1933, Chap. VI.